

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC**

In the Matter of:

Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
Chesterfield County Public Schools)	
Chesterfield, VA)	File No. SLD-215881; 215632
Federal-State Joint Board on Universal Service)	CC Docket No. 02-6
Changes to the Board of Directors of the)	CC Docket No. 96-45
National Exchange Carrier Association, Inc.)	

To: The Wireline Competition Bureau

REQUEST FOR REVIEW

On June 2, 2003, the Schools and Libraries Division of USAC ("SLD") issued a Decision on Appeal to Chesterfield County Public Schools ("CCPS"). (Exhibit A and Exhibit B). In that decision, the SLD affirmed its decision to reduce to zero the funding that it had previously committed to CCPS for the 2001 Funding Year because of a late filed Form 486.

If CCPS had filed the *same* Form 486 at the exact *same* time for its Funding Year 2002 requests, the SLD would have partially funded its requests, rather than eliminate them entirely. That was because the SLD had in effect during 2001 a unique, Children's Internet Protection Act ("CIPA")-Form 486 certification requirement that applied to applicants requesting discounted Internet access and/or Internal Connections. We does not dispute that we filed our 2001 Form 486 late. What we cannot understand and therefore challenge is the SLD's rationale for applying

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a CIPA-related filing deadline to our request for discounted telecommunications services, when CIPA clearly does not cover that category of service.

In short, we submit that the SLD had no rational basis for applying a CIPA/Form 486 late filing penalty to FRN 499483, as *that FRN* was for telecommunications services only, *and CIPA does not cover that category of service*. Instead, the SLD should have done exactly what it decided to do in connection with late filed 2002 Funding Year Form 486es – i.e., move the service start date on the FRN back 120 days from the date the form was filed, and fund the FRN from *that* date forward.

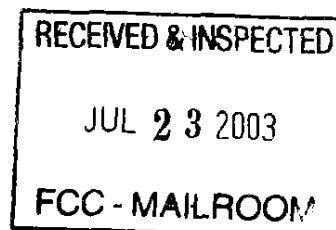
Respectfully submitted,

CHESTERFIELD COUNTY PUBLIC SCHOOLS

By: 

Brian D. Jones

Chesterfield County Public Schools
4003 Cogbill Road
Richmond, VA 23234
(804) 279-1945



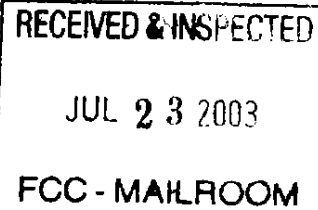


Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2001-2002

June 2, 2003

Brian D. Jones
Chesterfield County Public Schools
4003 Cogbill Road
Richmond, VA 23234



Re: Billed Entity Number: 126544
 471 Application Number: 215881
 Funding Request Number(s): 500009, 507830
 Your Correspondence Dated: February 20, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 2001 Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 500009, 507830
Decision on Appeal: **Denied in full**
Explanation:

- In the appeal letter, you are appealing the Service Start Date (SSD) of 8/26/02, as stated on your Form 486 Notification Letter for FY2001. You stated that you acknowledge your Form 486 was filed after the deadline date as stated in program rules, and you also recognize that if a Form 486 was postmarked after the deadline that the SSD shall be 120-days before the Form 486 postmark. Since your Form 486 for FY2001 was postmarked 8/26/02, it is your opinion that the SSD should be 4/26/02, which is 120-days before the postmark date. You request that these services be funded from 4/26/02 to 6/30/02.
- After thorough review and investigation of all relevant facts, the SLD determined that you should have filed your Form 486 for these funding requests on or before

10/28/01. Program rules for FY 2001 require SLD to modify SSD to the date of Form 486 postmark when submitted after deadline. Your 486 was postmarked on 8/26/02. Program rules for FY2001 do not allow for SLD to reset the service start date to 120 days before the postmark date.

- According to program rules, if the date of your Funding Commitment Decision Letter was on or before October 28, 2001 and the Service Start Date you reported on your Form 486 was on or before October 28, 2001, your Form 486 must have been received or postmarked on or before October 28, 2001. The date of your Funding Commitment Decision Letter for FCC Form 471 #215881 was 8/7/01. The Service Start Date you reported on your Form 486 was 7/1/01. The postmark date of your Form 486 was 8/26/02. Since your FCC Form 486 was postmarked after October 28, 2001, the SLD has revised your Service Start Date to your FCC Form 486 postmark date and reduced your funding commitment amount based on the revised Service Start Date.
- FCC rules provide that in Funding Year 2001, the FCC Form 486 must be postmarked no later than October 28, 2001 and that for subsequent funding years, the FCC Form 486 certifications must be provided to the Administrator in accordance with existing program guidelines established by the Administrator. See 47 C.F.R. § 54.520(g). Existing program guidelines are explained in the Funding Commitment Decision letter. Your Funding Year 2001 Funding Commitment Decision letter notified you that “[I]f your services start after October 28, 2001, your Form 486 must be postmarked no later than 120 days after the Service Start Date or 120 days after the date of the Funding Commitment Decision Letter, whichever is later, in order for discounts to be paid retroactively to the Service Start Date. Failure to meet this filing deadline will result in reduced funding.” See Funding Commitment Decision Letter (Funding Year 2001: 07/01/2001 – 06/30/2002), page 2. Since your FCC Form 486 was postmarked more than 120 days after the Service Start Date you indicated on your FCC Form 486, SLD has reduced your funding.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the “Appeals Procedure” posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2001-2002

June 2, 2003

Brian D. Jones
Chesterfield County Public Schools
4003 Cogbill Road
Richmond, VA 23234

RECEIVED & INSPECTED

JUL 23 2003

FCC - MAILROOM

Re: Billed Entity Number: 126544
 471 Application Number: 215632
 Funding Request Number(s): 499483
 Your Correspondence Dated: February 20, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 2001 Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 499483
Decision on Appeal: **Denied in full**
Explanation:

- In the appeal letter, you are appealing the Service Start Date (SSD) of 8/26/02, as stated on your Form 486 Notification Letter for FY2001. You stated that you acknowledge your Form 486 was filed after the deadline date as stated in program rules, and you also recognize that if a Form 486 was postmarked after the deadline that the SSD shall be 120-days before the Form 486 postmark. Since your Form 486 for FY2001 was postmarked 8/26/02, it is your opinion that the SSD should be 4/26/02, which is 120-days before the postmark date. You request that this service be funded from 4/26/02 to 6/30/02.
- After thorough review and investigation of all relevant facts, the SLD determined that you should have filed your Form 486 for this funding request on or before 10/28/01. It is the responsibility of the applicant to submit all forms correctly and submit them on time.

- According to program rules, if the date of your Funding Commitment Decision Letter was on or before October 28, 2001 and the Service Start Date you reported on your Form 486 was on or before October 28, 2001, your Form 486 must have been received or postmarked on or before October 28, 2001. The date of your Funding Commitment Decision Letter for FCC Form 471 #215632 was 7/23/01. The Service Start Date you reported on your Form 486 was 7/1/01. The postmark date of your Form 486 was 8/26/02. Since your FCC Form 486 was postmarked after October 28, 2001, the SLD has revised your Service Start Date to your FCC Form 486 postmark date and reduced your funding commitment amount based on the revised Service Start Date.
- FCC rules provide that in Funding Year 2001, the FCC Form 486 must be postmarked no later than October 28, 2001 and that for subsequent funding years, the FCC Form 486 certifications must be provided to the Administrator in accordance with existing program guidelines established by the Administrator. *See* 47 C.F.R. § 54.520(g). Existing program guidelines are explained in the Funding Commitment Decision letter. Your Funding Year 2001 Funding Commitment Decision letter notified you that “[I]f your services start after October 28, 2001, your Form 486 must be postmarked no later than 120 days after the Service Start Date or 120 days after the date of the Funding Commitment Decision Letter, whichever is later, in order for discounts to be paid retroactively to the Service Start Date. Failure to meet this filing deadline will result in reduced funding.” *See* Funding Commitment Decision Letter (Funding Year 2001: 07/01/2001 – 06/30/2002), page 2. Since your FCC Form 486 was postmarked more than 120 days after the Service Start Date you indicated on your FCC Form 486, SLD has reduced your funding.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the “Appeals Procedure” posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
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